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REPORTS

NOTES OF THE WEEK

No Names

It is not uncommon for a court to allow a prosecutor in a case of blackmail to give his name and address in writing instead of stating it for press and public to hear. This is done because what deters many a victim of such offences from setting the law in motion is the fear that some indiscretion or worse may be publicly revealed and reported in the newspapers. It is in the interests of justice that blackmailers should be brought to book, and therefore the suppression of names is sometimes permitted.

In a case at the Surrey Assizes, where a man was charged with robbery, it appeared that there was an element of blackmail alleged in the offences, and counsel for the prosecution asked that the names of the victims should not be given. Hilbery, J., considered it not necessary to take this course, observing that in such circumstances the matter could be left to the press, who generally refrained from publication. This view of the matter was borne out by the fact that the account of the case before us, in the *East Anglian Times*, referred to the prosecutors without giving names or addresses.

The most reputable newspapers are to be trusted to exercise a merciful discretion in cases where some act of misconduct or folly has rendered a man liable to painful exposure. This same tolerance is constantly to be observed in relation to juveniles appearing in adult courts. There is no obligation under s. 49 of the Children and Young Persons Act, 1933, to suppress name, address or other particulars, because that section applies only to cases heard by a juvenile court. Nevertheless, we constantly see reports in which juveniles appearing in an adult court are spared from publication of name and address. Freedom of the press is justified when the press shows a proper sense of responsibility and this is better than compulsion.

Oral Evidence and Evidence by Affidavit

Brilliant cross-examination that knocks the bottom out of an opponent's case occurs more frequently in books than in real life, but there is plenty of useful cross-examination that helps the court to get at the truth. Parties and witnesses can be tested under cross-examination, both as to their credit and as to their accuracy, and their demeanour, always important, may prove still more important when they are under cross-examination.

Those who are used to proceedings in magistrates' courts and criminal trials may be disposed to wonder whether affidavits produced in civil proceedings without the makers being called can stand comparison with the methods to which they are accustomed. That is, of course, a large question, and we are certainly not suggesting that affidavit evidence is of no value. Its limitations, in some circumstances, however, were brought to mind by observations of Hodson, LJ., in the Court of Appeal in the case of *Kemp* v. *Kemp* (*The Times*, November 26). There was a conflict of evidence which, he said, he did not think could be resolved upon affidavit evidence. It was almost impossible for a Court to resolve a conflict without oral evidence being given. In the present instance the conflict could never be resolved unless an application had been made to cross-examine the husband upon his affidavit. The Lord Justice referred to the affidavits as "particularly unreliable pieces of paper," particularly when one remembered that they were put into language by the advisers of the parties and not by the parties.

A Complete Matrimonial Case

The work of justices hearing matrimonial cases has become difficult with the introduction into the law of the consideration of such things as constructive desertion and a *bona fide* offer to resume cohabitation but seldom have we heard of such complexity as faced the Coventry city justices recently.

For some years before October, 1956, there were living at No. 1 W Street the complainant, her two children and a male lodger of about her own age. The complainant had been divorced but her former husband, who still resided in the city, voluntarily provided maintenance and visited her occasionally. Next door at No. 3 lived the defendant, sharing that house with his former wife from whom he was divorced. The house had been their matrimonial home. Living in the house with the former wife was a married man with children of his marriage, her former marriage and of the irregular union. In October the complainant, her children and her male lodger removed to elsewhere in the city to a house purchased by her and her lodger in their joint names. It was not stated whether they were joint tenants or tenants in common. For at least two years before this, whilst still living next door to each other, the complainant and defendant had been courting and so the defendant knew of the lodger and his part ownership of the new house. In April, the complainant and defendant married and he went to live in the house owned jointly by the complainant and her lodger. Her former husband reduced his voluntary payments to her but continued to see her occasionally. After a few weeks the defendant complained of the lack of comfort in the new home compared with his old one to which he returned and invited his new wife to join him there as their matrimonial home. She visited, as indeed she had been accustomed to do for years past, but did not take up residence.. The defendant did not allege, or even hint at adultery by the complainant and the lodger joint owner of his wife's new house or by her with her former husband who was still contributing to the expenses of the home. Neither did the complainant allege adultery by the defendant with his former wife. The case was presented as desertion by the husband (within three months of marriage) and the defence appeared to rely on the offer of a home at 3 W Street being both *bona fide* and definite enough to be an answer to desertion. The complainant would not accept this offer, not because it would entail living in the same house with her husband's former wife, etc., but because it would be difficult to give up the house in which she had so recently become joint owner with her lodger.

The complainant invited the justices to hold that her husband had deserted her and that it was unreasonable of him to expect her to give up the house she had purchased recently jointly with her lodger and forsake the lodger she had had for some seven years and about whom her husband knew and knew of the financial arrangements between them when they married and knowing so had agreed to make his home with them. The husband invited the justices to say that as the wife's only objection to living at No. 3 W Street was that it would entail giving up her new house, with difficulty in ending the joint tenancy or tenancy in common, his was a *bona fide* offer of a suitable home and hers an unreasonable refusal.

The justices indicated to the advocates for both parties that they did not consider the Summary Jurisdiction (Separation and Maintenance) Acts existed for the resolution of such unusual, almost fantastic, circumstances created by both the parties themselves. Whilst not declining to adjudicate, the parties were invited to come to some settlement out of court and this was done.

We consider that the justices were well advised in the course they adopted. Where the powers of the justices and those of the High Court are commensurate for dealing with the matters in question it would appear not to be more convenient that they should be dealt with in the High Court as provided for in s. 10 of the Summary Jurisdiction (Married Women) Act, 1895.

Blood Tests

In the Scottish case of *Whitehall* v. *Whitehall,* reported in *The Scotsman* of November 20, Lord Wheatley in the Court of Session described a proposal by a husband to his wife regarding a blood test as offending against all conceptions of justice and " contrary to the fundamental principles of our law." The husband alleged adultery on the part of the wife, and disputed the paternity of a child born in March, 1954, on the ground that he and his wife last had intercourse in April, 1953.

The learned Judge said the obvious purpose of the proposal was to ordain the wife to make available to the husband evidence which might be favourable to his case and damaging to her own. He pointed out that if the blood tests showed that the husband might be the father it would not preclude the possibility that another man in the same blood group might be the father. On the other hand, if the blood test excluded the father that fact would provide formidable and weighty, if not conclusive, evidence in the husband's favour. The wife was being asked to provide the basis of evidence from which her husband had nothing to lose and everything to gain, whereas she had nothing to gain and a great deal to lose. The learned Judge therefore refused to order the wife and child to submit to the test.

Since, from the point of view of the rules of evidence, adultery is regarded almost as a criminal offence, it is in accordance with principles to hold that a person accused of it cannot be compelled to give or provide evidence of a self-incriminating nature. It is open to question, however, whether in the cases involving disputed paternity, the law should carry the principle so far. Proceedings for divorce and proceedings for affiliation are civil and not criminal. By submitting herself and her child to a blood test a woman cannot be said to run the risk of incriminating herself unless the remote possibility of a prosecution for perjury is so considered. What really matters is that the court should have available all the evidence that will help it to find out the truth, and a blood test, carefully carried out by a competent person, may be of great value. It has been urged by some whose opinions carry great weight, that in bastardy proceedings, for example, if a woman declines to submit herself and her child to a blood test she should not be allowed to proceed with her application. It may well be that the law needs amendment in this respect. The interests of truth are above those of the parties.

Disqualification and " Drunk in Charge "

Although offences under s. 9 of the Road Traffic Act, 1956 (in charge of a motor vehicle when unfit to drive) are included in sch. 4 to that Act so that it is within the power of a court to order disqualification on conviction of any such offence there is no longer any requirement, in the case of a first conviction, to order disqualification unless the court finds special reasons for not doing so.

In *The Birmingham Post* of November 16 there is reported a case in which a lorry driver was fined £30 for such an offence, with £5 5*s*. costs, but was not disqualified. The facts were such that it would have been difficult for the court to find that special reasons existed for not ordering disqualification had they had to consider that question. The facts as reported were that after a complaint from a member of the public, police officers found the defendant sitting in the driving seat of his lorry in a road. He could not make himself understood

when spoken to and when helped from the cab by a policeman he could not stand. A doctor certified him as being under the influence of drink.

The police inspector presenting the case was very fair in speaking of the defendant. He said that he earned £10 a week and had three children. He had drunk a bottle of stout, two half-pints of beer, a pint of mixed beer and two whiskies but, added the inspector, "he takes pheno-barbitone and some other medicine for a peptic ulcer. He is unable to do manual work because of his illness and driving is his only livelihood."

The report concludes with the statement that when he was told that he would not be disqualified the defendant promised to give up drinking. This will be a wise course for him to adopt and may well help him in trying to cure his peptic ulcer.

Considerations Affecting the Imposition of a Disqualification

In the Court of Criminal Appeal in the case of *R.* v. *Wiseman* (*The Times*, November 19, 1957) the court reduced to 12 months a 10 year driving disqualification imposed at Devon quarter sessions on a doctor who was convicted of driving while under the influence of drink and was fined £100. He had been driving for 30 years and had one previous driving conviction when he was fined £3, in 1955, for driving without due care and attention.

The Lord Chief Justice said that this was a bad case and the Court had come to the conclusion that the fine must stand. It was a good thing to emphasize the seriousness of the offence. He continued "The Court ought to interfere with the disqualification because one might say that they were balancing the danger to the public with the convenience to them, as the appellant was a doctor with a panel practice." Lord Goddard said that although public transport might well be available at ordinary times, or a car hire service might be used, if the appellant were called out in the middle of the night he might not be able to get any conveyance. The Court reduced the disqualification to 12 months, to take effect from the date of conviction.

THE SLOUGH EXPERIMENT

The Ministry of Transport and Civil Aviation have published, at a price of 5*s*., a "report on a large-scale experiment into the effectiveness of road safety measures conducted in the Borough of Slough from April 2, 1955, to March 31, 1957." The first thing to be noted is that the full results of the experiment cannot yet be given because there is to be a period of continuing study of the effects of the various measures introduced during the experiment and this period may extend over several years. This report may be treated, therefore, as an interim one.

The experiment was initiated by the Ministry of Transport and Civil Aviation and was undertaken as a joint operation by the Slough borough council, the Slough Road Safety Council, the Ministry, the Road Research Laboratory, the Central Office of Information Social Survey Unit, the Buckinghamshire county police and the Royal Society for the Prevention of Accidents. It can be presumed, therefore, that at one time and another during the period of the experiment, the time of a great many people was occupied in dealing with its various aspects.

In the introduction to the Report which is made to the Minister by the Management Group responsible for the conduct of the experiment, it is stated that the individual measures used were not all experimental in the sense of involving new basic principles but that the unique feature of the experiment was the concentration of all of them in a comparatively small area. Measures were proposed which came broadly under three headings, education, enforcement and engineering and an attempt was made to study the effect of these measures both collectively and, so far as was possible, individually on the conduct of road users, on the accident rate and on the flow of traffic. It was hoped in this way to gain information which could be used in determining future policy on road accident prevention.

Slough was chosen for the experiment on the grounds that it provided a reasonably compact area where observation and measurement of results would be possible and where the road conditions were fairly typical of those to be found generally in this country. It includes residential and industrial areas and has local and through traffic and typical accident problems. The area is about six miles long by up to two miles wide and the A4 trunk road (London–Bristol) runs east to west through its length.

Under the heading of education, propaganda and training methods were used. Posters advertised the experiment on poster sites and on buses and an attractive illustrated brochure was distributed free to each of 20,000 households in the borough, together with a copy of the Highway Code. Factories and various organizations were asked to display road safety material during the period of the experiment and various means of advertising the experiment in different ways were freely distributed. A beacon was erected in the busy shopping area which showed a red light for one week after a fatal accident and a green light at other times, with notices placed nearby to explain its significance. These are only a few of the many means adopted to bring the experiment to the notice of the public and to make them "road safety conscious."

Education was undertaken by an expansion of the learner motor-cyclists training scheme, by road safety rallies for drivers of various classes, by refresher courses of lectures for drivers and by increased activity in training children in road safety measures. There were also free tests of roadworthiness of motor vehicles. Over 1,800 were tested, about half of these being local vehicles.

Police activity, including enforcement, was in three phases, the local police being assisted at other times by police from other divisions Advice and warnings were given in a great many cases (11,238 between July and December, 1955, inclusive, as an example). There were anti-dazzle and radar speed checks from time to time. Pedestrians were advised on the correct use of the light-controlled crossings and a watch was kept to see how drivers and riders observed the traffic signals and additional "no waiting" restrictions which were imposed. There was a three months' campaign to check the roadworthiness of pedal cycles. Two thousand six hundred and thirty-six cycles were examined in the streets and 766 were found to be defective. Forty-one persons were reported with a view to prosecution. One thousand and forty-six other

cycles were examined in schools. Dog owners were warned in a house-to-house campaign to keep their dogs under control

From January to March, 1957, in the third phase of police activity there was an intensive campaign designed to improve road behaviour and to serve as a check on the result of the earlier phases. On certain days particular features were concentrated upon and all infringements of the law were reported. A total of 8,833 police man-hours were worked on duties directly related to the experiment during the two years.

The engineering and traffic schemes included the installation of traffic lights at six pedestrian crossings with pedestrian control buttons, over half a mile in the High Street on a system of progressive traffic signal control. This cost about £21,000. Then there was the Bath Road improvement scheme on a 2·1 mile stretch of the A4 road where 11 sets of progressively operated traffic signals were installed, combined with road improvements. The traffic light scheme cost £17,000 and the accompanying road improvements £65,000. Improvements were made at five major junctions with the main A4 road, costing respectively £2,775, £4,615, £10, £1,800 and £2,700. Extra bus bays were constructed to allow stopping buses to pull out of the main flow of traffic. Special carriageway markings, including yellow paint on kerbs, were used to assist drivers to recognize the existence and the limits of "No waiting" areas. Street lighting was improved. "Yield right of way signs" were tried, improved direction signs were set up and in some cases action was taken to alter the siting of various signs to make them more visible.

The above is only a summary of some of the measures undertaken to which 22 pages of the Report are devoted, together with 16 illustrative plates. Part II of the Report is concerned with the assessment of the results of the experiment (pp. 28 to 57 inclusive) and part III with a discussion of those results and with the conclusions and recommendations of the Management Group.

It is stated that in considering the general results of the experiment the main concern is clearly to see if the number of reported accidents and casualties in the borough during the periods of the experiment show a decrease compared with the numbers in some earlier period. For the purpose of this comparison the earlier period chosen was April, 1953, to March, 1955, inclusive. The figures for casualties showed in Slough a decrease of 10 *per cent.* in fatal and serious casualties and an increase of 24 *per cent.* in slight casualties during the period of the experiment. The corresponding figures for the country as a whole were plus 9 *per cent.* and plus 17 *per cent.* It is considered probable that the large increase in the number of slight casualties may be accounted for partly by the fact that police activity was more intense in Slough and slight accidents and casualties were reported which would not otherwise have come to notice. The figures of fatal and serious casualties were 263 for the "datum" period and 238 for the period of the experiment. It is calculated that had the Slough figures followed the general trend throughout the country the latter figure would have been about 290 and that the difference between this figure and the actual figure of 238 "represents an economic gain approaching £20,000 per year, without taking into account the benefit of reduced human suffering." The general downward trend has continued and for the period April–June, 1957, fatal and serious casualties in Slough were 10 *per cent.* below those of a year previously whereas the national figures showed an increase of four *per cent.* It is noted, in fairness, that traffic volumes in the later period fell by an estimated three *per cent.* in Slough against two *per cent.* nationally.

Improvements in the conduct of road users were noted. At one junction propaganda and police activity reduced from six *per cent.* to four *per cent.*, between March and July, 1955, the number of vehicles entering the intersection against red or red–amber. There was a reduction of 40 *per cent.* in the number of vehicles parked in one sector and greater use was made of two official car parks. In March, 1955, of 410 motor-cyclists who were observed 33 *per cent.* were wearing crash helmets and in March, 1957, out of 429 the percentage was 52. It is recorded, however, that the improvement cannot be credited entirely to the experiment as there has been a steady rise in the use of helmets throughout the country. Pedestrians made more use of zebra crossings; between March and July, 1955, the number crossing more than 10 *yds.* from a crossing was reduced from 11 *per cent.* to 4 *per cent.* This was before the light controlled crossings were introduced. An attempt to induce pedestrians to keep to the left was not successful.

When the light controlled crossings were introduced 89 *per cent.* of people crossed at places where there was positive control of vehicular traffic compared with a previous percentage of 74 *per cent.* at lights and zebra crossings. A later count showed this improvement had not been fully maintained but there still was an improvement. The average speed of vehicles over this stretch of the High Street during the hours 9.30 *a.m.* to 5 *p.m.* was about 1½ miles per hour slower shortly after the signals were introduced. Waiting time for pedestrians rose to 13 seconds at the light controlled crossings compared with 3·5 seconds at the zebra crossings. Some of the increase could be accounted for by an increased flow of vehicles, from 950 to 1,200 per hour. On the zebra crossings in 1953, 1954 and 1955 respectively, there were five, three and six casualties to pedestrians. On the light controlled crossings in 1956 there was one, and that occurred when the lights were out of order. The results of the Bath Road improvement scheme and of the other road improvements are also assessed.

Our readers will not expect us to have been able to give anything like an adequate summary of this 68 page Report and many will no doubt read the Report for themselves. As we have said, observations are continuing and there has been as yet no final assessment of the conclusions to be drawn. To the extent to which the results have been achieved by propaganda and intensive police activity it is difficult to gauge how lasting the results will be and how far it would be possible to operate on a much larger scale with existing police manpower. Another question which may not be easy to answer is the extent to which the High Street light controlled crossing scheme could be used in other places where conditions would not be quite the same. We are not sure how such a scheme operates at those hours when there are no pedestrians about and no need, therefore, for the lights. The management group recommend that the High Street scheme provides a favourable opportunity for an experiment in compelling pedestrians to use the light controlled crossings and to cross only in accordance with the signals. If such an experiment were tried it seems likely that the police would have to devote considerable time to enforcing the requirement in order to give the experiment a fair trial.

When one reads the Report as a whole there seems to be no doubt that the experiment has been worth while and that useful lessons have been and will continue to be learned from it. One positive gain in Slough has undoubtedly been the interest aroused and the resultant co-operation in tackling the road safety problem. As we have said on other occasions, this is everybody's problem and will not be solved until everyone contributes as much as he can to the solution.

THE LOCAL GOVERNMENT BILL

PART III—DELEGATION OF FUNCTIONS TO COUNCILS OR COUNTY DISTRICTS

Clause 42 of the Bill enables delegation schemes for the exercise of health and welfare functions by councils of county districts. The functions concerned are under:

(1) Part III of the National Health Service Act, 1946, except functions under s. 28 of that Act about care of the mentally ill in residential accommodation and about ambulances (s. 27).

(2) Welfare arrangements for the disabled (ss. 29 and 30, National Assistance Act, 1948).

(3) The Nurseries and Child Minders Regulations Act, 1948.

(4) The Lunacy and Mental Treatment Acts, 1890 to 1930, and Mental Deficiency Acts, 1913 to 1938.

(5) Section 51 (2) of the National Health Service Act, 1946 (contributions to voluntary organizations in connexion with functions under the Mental Deficiency Acts, 1913 to 1938).

and (subject to subcl. (2) of cl. 42) under:

(6) Part III of the National Assistance Act, 1948, so far as relates to residential or temporary accommodation.

(7) Section 28 of the National Health Service Act, 1946, about care of the mentally ill in residential accommodation.

Functions (6) and (7) (*supra*) are not exercisable under a delegation scheme except with the consent of the Minister of Health. Before giving his consent the Minister must be satisfied after consultation with the county council that there are exceptional circumstances.

Under subcl. (3) of cl. 42 a delegation scheme may be made by a county district council with a population of 60,000 or more and by any other such council if the Minister of Health consents. The Minister must give his consent if after consultation with the county council and other councils appearing to him to be concerned he is satisfied that there are special circumstances justifying this course.

By subcl. (6) of the same clause the power of a county council to borrow money or to issue a precept for a rate cannot be a delegated function. Under subcl. (7) a delegation scheme:

(*a*) may prescribe conditions subject to which the functions exercisable thereunder are to be exercised.

(*b*) Must specify the date upon which it is to come into operation.

(*c*) Must make provision for the determination by the Minister of Health of questions arising about the operation of the scheme.

(*d*) May provide for incidental and supplementary matters necessary for the scheme (including finance, the submission and approval of estimates and accounts, and the reimbursement of county districts for the exercise of delegated county functions).

Clause 43 sets out the procedure for bringing a delegation scheme into force. Under subcl. (1) a delegation scheme must be approved by the Minister before operation. Before making such a scheme a county district council must give notice to the county council of their intentions and consult with them. In order to do so they must state their proposals in the form of a draft scheme (subcl. (2)). By subcl. (3) notice must be given within six months and the scheme submitted to the county council within 12 months beginning in both cases on the day on which the Bill is passed into law or ten or a greater multiple of five years thereafter. No notice is necessary under subcl. (2) (*supra*) but the Minister must notify the county council of his decision if an application has been made under cl. 42 (2) and (3) of the Bill (which relates respectively to certain National Assistance functions about temporary accommodation and National Health Service functions connected with the care of the mentally ill) (*see* cl. 43 (4) (a)).

Subclause (5) makes special provisions as to notice where the Minister makes an order following a review by the Commissions or a county council review under cl. 28 of the Bill.

Under subcl. (6) of cl. 43, after submitting a delegation scheme a county council must publish notice of this submission enabling objections to be made to the Minister of Health within two months of publication. The council must comply with the Minister's regulations as to the form and manner of publication of the notice. By subcl. (7) the Minister of Health after considering objections and after consultation must approve the scheme either as submitted or with modifications.

Clause 44 of the Bill enables delegation schemes to be varied or revoked. By subcl. (1) a delegation scheme for any county district may be varied or revoked by a subsequent scheme made by that council and approved by the Minister of Health. The consent of the Minister is not necessary for a subsequent scheme under cl. 42 (3) *whatever the population of the district*. Under subcl. (2) the Minister is given power to revoke or vary a scheme in default of the council promoting one upon his requirement. Subclause (3) prevents the Minister from requiring the revocation of a delegation scheme for a borough or urban district having a population of 60,000 or over.

Clause 45 arms the Minister of Health with default powers in relation to the failure of a county district council to carry out delegated functions. By subcl. (1) the Minister may, in such circumstances, after such inquiry as he thinks fit and after consultation with the county council, make an order declaring the county district council to be in default. Subclause (2) further provides that if the county district council fails to comply with any Ministerial direction requiring them to remedy their default, the Minister of Health, in lieu of enforcing the order by *mandamus* or otherwise, may make an order providing for the exercise of the functions by the county council. Furthermore subcl. (4) applies s. 57 of the National Health Service Act, 1946 (which confers default powers on the Minister of Health) to the functions of a county council under part III of the Bill.

Clause 46 excludes from functions exercisable under a delegation scheme the submission of proposals under s. 20 (4) of the National Health Service Act, 1946, or of that section as applied by s. 51 of the same Act or of the amendment or revocation of schemes under s. 21 (3) or s. 29 (3) of the National Assistance Act, 1948. Section 20 (4) of the 1946 Act provides that a local health authority may at any time submit new proposals providing for the modification of existing proposals as to the provision of services by them. Section

51 of the 1946 Act applies s. 20 (*supra*) to proposals for carrying out duties under the Lunacy and Mental Treatment Acts and Mental Deficiency Acts. Section 21 (3) of the National Assistance Act, 1948, relates to the exercise by a local authority of schemes for the provision of accommodation for the aged or those in urgent need. Section 29 (3) of the same Act relates to welfare arrangements for blind, deaf, dumb and crippled persons, etc.

A county district council for which a delegation scheme is in force may submit to the county council proposals for the submission of new proposals under s. 21 (4) of the Act of 1946 (or that subsection as applied by s. 51 of the 1946 Act) or for the amendment or revocation of a scheme under s. 29 (3) (*supra*). It may also do this if the delegation scheme includes provision for the exercise of the functions set out in cl. 42 (1) (*f*) of this Bill for the amendment or revocation of a scheme under s. 21 (3) of the Act of 1948. Subclause (2) of cl. 46 of the Bill defines the powers of the county council to adopt proposals under the foregoing subclause, and to submit new proposals or vary or revoke schemes.

Clause 48 deals with the important education functions. Under subcl. (1) a county district council which is not an excepted district may within certain time limits apply to the Ministry of Education for a direction constituting the district an excepted district. An " excepted district " is one excepted from a scheme of divisional administration made by the local education authority but having its own scheme of divisional administration. The Minister must give such a direction if the district is a borough or urban district with a population of 60,000 or more and if after consultation he is satisfied that there are special circumstances.

The time limits referred to above are six month periods beginning on the day the Bill becomes an Act or 10 or a greater multiple of five years thereafter.

Clause 49 excludes the Metropolitan area from the operation of part III of the Bill. The Metropolitan area consists of the administrative counties of London and Middlesex and the county boroughs of Croydon, West Ham and East Ham. together with certain boroughs and county districts in the counties of Surrey, Kent, Hertford and Essex (*vide* sch. 5 to the Bill). Subclause (2) of cl. 49 provides, however, that part III may be applied to extend to the Metropolitan area.

MISCELLANEOUS INFORMATION

WAR DAMAGE COMMISSION AND CENTRAL LAND BOARD

The South Western Regional Office of the War Damage Commission and Central Land Board, 19–21 Woodland Road, Bristol, 8, which covered Gloucestershire, Wiltshire, Somersetshire, Devonshire, Cornwall and the Scilly Isles, has been closed.

Its remaining war damage work has been transferred to the War Damage Commission, Government Building, Bromyard Avenue, Acton, London, W.3 and its Central Land Board work to the Central Land Board, 246 Stockwell Road, Brixton, London, S.W.9.

War Damage Technical Centres will, however, be maintained at Bristol, Plymouth and Exeter.

THE FINANCES OF A SEASIDE AUTHORITY

Mr. H. Wilson, F.I.M.T.A., A.R.V.A., treasurer of Scarborough, has produced his usual excellent report on the finances of the borough he serves.

The miserable weather of 1956 inevitably resulted in less income from the entertainments and catering services provided by the corporation. Catering produced a much reduced surplus of £2,500, while the entertainments department recorded a loss of £16,400—the first occasion, apart from the war years, on which the department has failed to show a profit. The accounts of the harbour undertaking also disclosed a deficit of £5,700, which was £500 more than that of 1955–56. Not all was loss however, because, as Mr. Wilson points out, considerable contributions were made by these undertakings to central administration expenses, general advertising, and by way of payment of rents to other corporation departments.

At the year end the general rate fund balance was £91,000, a reduction of some £2,000 over the year. A penny rate produced £3,650.

Net expenditure falling on rates totalled £718,000 of which £223,000 was for corporation services and £495,000 for the North Riding of Yorkshire county council. The council spent £63,000 on its parks and open spaces: the net charge to rates for this service was £35,000, equivalent to a 10*d*. rate. Another expensive item for which authorities of Scarborough's type are liable is expenditure upon sea defence works; the charge to rates under this head was £3,100.

The average rateable value of dwelling houses in Scarborough is £29 and the occupier of a house with this rateable value paid in rates in 1956–57 9*s*. 1*d*. per week, of which 6*s*. 3*d*. was for county council services. His burden was rather heavier than that of his brothers elsewhere: those who live in pleasant spots are charged something for the amenities they enjoy. Rate arrears at the year end totalled £18,000 but two-thirds of this sum represented payments withheld pending determination of rating appeals: it is pleasing that Mr. Wilson is able to say that many of the cases have been settled and the arrears will be met in the current year.

The authority has done its full share of housing provision. At March 31, 3,600 dwellings had been built, improvement grants of £26,000 had been given and guarantees granted to building societies under the Housing Act, 1949. Housing loan debt totals £3,300,000 and represents three-quarters of the total debt of the corporation. Housing cost the ratepayers a 5*d*. rate in spite of a satisfactory differential rent scheme: in reaching a decision to continue this rate contribution the housing committee took into account the considerable extent to which single bedroom flats let to aged persons need to be subsidized.

In the past advances have also been made under the Small Dwellings Acquisition Acts, but in March, 1956, the council decided to make no further advances until the borrowing position in relation to local authority loans becomes easier.

It is a pleasure to all his many friends in local government that Alderman F. C. Whittaker continues ably to direct the finances of the borough from his position as chairman of the finance committee. The booklet which Mr. Wilson has published shows how well this has been done.

CITY OF LEEDS: CHIEF CONSTABLE'S REPORT FOR 1956

This is a detailed report giving much interesting information about the various activities of the police force of the city. In February, 1956, an increase of 36 in the authorized establishment of the force brought the total to 854 men and 50 women. On December 31, 1956, the actual strength was 840 men and 44 women compared with 798 and 32, respectively, a year before. There was a welcome drop in the wastage figures for men from 76 in 1955 to 37 in 1956. In many cases would-be recruits who were physically fit were below the required educational standard, a sad comment on the results of an expensive education system. To help such applicants the chief constable has arranged a pre-entry correspondence course which lasts for 12 weeks and contains exercises in such elementary subjects as composition, grammar, punctuation and spelling. In some cases a marked improvement was noticed as a result of the course.

From the details given about the wastage for 1956, 1955 and 1954 it would appear that the improved pay and conditions have had a beneficial effect. In 1956 only three probationers and two more senior policemen left to take other employment. The corresponding figures for 1955 were 10 and 13 and for 1954 were 11 and 12. It is reported that 14 former cadets have now joined the regular force, and this is regarded as an indication of the importance of the cadet corps as a source of recruitment.

The keenness of some members of the force to improve their education and usefulness to the force is shown by the fact that in 1953 44 members enrolled for a three-year course at Leeds University, the subjects being first year Criminal Law; the

elements of English law; second year Sociology—social structure; third year Psychology. Twenty-one students were successful in the examinations at the end of the first year, 19 of them continued in the second year and again passed and 18 continued in the third year and 12 of them were successful, gaining thereby the course certificate. Having regard to the duties of a police officer the studies necessary to complete this course must have occupied a considerable part of these officers' spare time.

Details are given of the cost of the force and it is estimated that the cost to each citizen of Leeds of maintaining the force is slightly over 30*s. per annum*. As it is basically each citizen's duty to see that the peace is kept and preserved this 30*s.* a year is a very cheap way of paying for the duty to be done by others and, as the report puts it, it "can be regarded as a sound form of insurance."

Three hundred and sixty-three special constables, including 13 women assisted the regular force with 3,713 normal patrol duties and 332 duties on special occasions. The chief constable expresses his appreciation and asks for more citizens to volunteer for this rewarding public duty.

The number of recorded crimes in 1956 was 5,351, an increase of 356 on the 1955 figure. Housebreaking and shopbreaking increased from 703 to 818. Cash in gas and electricity meters in houses on corporation estates and in large houses converted into flats seems to have attracted the attention of thieves rather than the jewellery and other valuables in houses in high class residential districts. The chief constable thinks that this may be due to the activities of newcomers to the criminal ranks and he suggests that hardened thieves have been discouraged by the introduction of preventive detention. It is to be hoped that he is right. Stern measures are out of fashion in these days, and evidence that they are not without their effect should not be overlooked.

We haven't space to deal with the comments on the successful work of the Leeds Attendance Centre with its "follow-up" the Police Hobbies Club, nor with the Juvenile Liaison Scheme which aims at prevention of juvenile mischief before it becomes juvenile delinquency.

There was a slight fall in the number of accidents from 5,462 in 1955 to 5,337 in 1956. Both injury and non-injury accidents shared in the reduction. The parking problem, as elsewhere, is a serious one and motorists who require long-term parking facilities are asked to use off-street car parks and to leave street-parking for those waiting only for short periods. Drivers should be more prepared to walk short distances, says the report.

SOMERSET WEIGHTS AND MEASURES REPORT

It is rather a sad commentary on standards of public honesty that this very interesting report should tell us that "the number of traders against whom proceedings have been taken during the years shows a marked increase, and . . . the majority of cases were concerned with short weight in food, coal and coke, and in respect of deficiencies and adulteration of food." It is made abundantly clear by the detailed information herein set out that the considerable body of statutory instruments governing weights and measures and the quality of food and other products sold to the public is an absolutely necessary precaution against wholesale deceit and a serious deficiency in nutritional standards. It must be borne in mind that the goods and services covered by these measures are intended to be sold at prices which yield a reasonable profit to the purveyor: one is forced to the conclusion that sheer greed is the only explanation for a large part of the offences committed against the Acts and Regulations which are the concern of the weights and measures inspectorate. Were the explanation mere carelessness one would expect errors to be made in the customers' favour—at least occasionally. But consider the record here unfolded. Whether the object of inquiry be bread, milk, meat, prepacked articles, or coal or coke, a substantial percentage of samples is deficient in weight. For instance a consignment of coke purporting to weigh four *tons* is found deficient by 7½ *cwt.* Or again, a purchaser who was paying the handsome price of £6 10*s.* for 30 *cwt.* of logs received only 16 *cwt.*

One wonders how many customers are swindled: the inspectorate obviously cannot check every delivery. But another question is perhaps more pertinent: how adequate are the penalties? We read of a coalman who left two sacks of a load intended for a customer (who, innocently ignorant, paid for the whole load) at his own home, and was fined £4. Some of the fraudulent practices here detailed are cleverly thought out and elaborately executed; small fines—especially bearing in mind the depreciation of sterling—are scarcely adequate deterrents for such offences. The report refers to the use of the Merchandise Marks Acts of 1887 and 1953 in order to provide maximum protection for the public; but it may well be that even these Acts need to be amended in order to provide more suitable sanction against offences which are directed at customers who receive and pay for articles in good faith.

ANNUAL REPORT OF THE BOARD OF CONTROL

The annual report of the Board of Control for 1956 refers briefly to the conditions of mental hospitals and other institutional accommodation for the mentally ill, but not for mental defectives, and to the care of such patients. On December 31, 1956, there were 148,161 patients in care under the provisions of the Lunacy and Mental Treatment Acts. The number of patients in mental hospitals decreased by 1,193 during 1956 to 138,215. Calculated upon the standards of space prescribed by the Ministry of Health these hospitals provided accommodation for 124,218 patients or 1,043 more than at the end of 1955. Out of this accommodation 3,005 beds were unavailable for use; 1,368 being used for other services; 653 awaiting renovation or repair and 984 unusable because of shortage of staff. The hospitals were overcrowded to the extent of 17,002 beds or 931 less than at the end of 1955. There was again an increase in the number of voluntary admissions and a fall in admissions under certificate. During 1955, 75 *per cent.* of the admissions were voluntary patients and 23·3 *per cent.* were admitted under certificate. During 1956 the percentages were 78·2 and 20·1 respectively. Of the total admissions in 1956 43·1 *per cent.* were re-admissions compared with 41·6 in 1955. Although there was a welcome improvement in the recruitment of student nurses the shortage of nursing staff still remained serious.

COUNTRY INDUSTRIES

The annual report of the Rural Industries Bureau, which is financed by the Development Commission, shows what is being done to make it possible for rural craftsmen to undertake remunerative work and to market their products. This is done largely through the rural community councils. A survey undertaken by these councils and rural industries organizers has revealed that some 35,000 small firms employing 180,000 workers exist in villages and small towns. The report shows the various types of industry which are still operating in the countryside of which engineering is one of the most important, and for which the bureau provides an advisory service. Other crafts are woodworking, boatbuilding and furniture making. At the request of and in collaboration with the Ministry of Works a workshop was recently set up at the Bureau's headquarters for the restoration of furniture from historic houses receiving grants under the Historic Buildings Act, 1933. Several pieces of furniture of first-class importance have already been restored. The main purpose of this workshop, however, is to train experienced rural furniture workers in the correct techniques of antique furniture restoration. Another important activity of the bureau is in encouraging those running the smaller rural brickyards and in organizing a permanent exhibition of hand-made bricks at the Building Centre in London.

RURAL PRESERVATION IN LANCASHIRE

In certain holiday districts caravan camps are the most serious threat to the serenity of the countryside. The position in Lancashire is described in the last annual report of the county branch of the Council for the Preservation of Rural England. Caravans now provide a most popular form of holiday accommodation, but it is regretted in the report that the majority of the campers do not appear to mind being crowded together on sites where very little has been done to make them pleasing to the eye. The Committee consider it is just as important to stop the sprawl of caravans as to control the siting of housing generally. While deploring the appearances of so many caravan camps, the branch committee think that a more adventurous policy will have to be adopted by those local authorities concerned with the holiday districts, such as national parks, and consider that there is a need for really well-sited and well conducted camps which can serve as a model for site operators. The committee were concerned during the year in several appeals to the Minister against the refusal of the local authority to permit development for this purpose.

The report also includes references to the campaign against litter both on a national and a county front. It is asked "is it too optimistic to claim that these combined operations are having some effect on public behaviour?" It is good to be told that many places in the Lancashire countryside which were grossly fouled by litter in the summer of 1955 were, although by no means free of it, much better this summer. In particular an improvement was noticeable on the lay-byes of trunk roads where byelaw notices have been erected and larger litter receptacles provided. A new method of drawing attention to the matter in Lancashire is by the issue of small "Please—No Litter" signs with car licences.

In Lighter Vein

THE THIRD MAN

By PAUL BUTTERS

If it had ever found its way into the text books, my defence of Freddie Mainwaring (pronounced, of course, Mannering) might well have made legal history. I hadn't done anything very spectacular up to then, but I suppose even a very ordinary country solicitor is entitled to at least one Famous Case, and Freddie Mainwaring's was certainly mine.

Freddie was charged before the Toddington beaks with driving his Jaguar in the High Street while under the influence of drink to such an extent as to be incapable of having proper control of it, contrary to s. 15 of the Road Traffic Act, 1930. Or, to put it another way, they pinched Freddie for driving has Jag. while he was tight. In referring to his Jaguar I mean, of course, that rakish and far too expensive car of his, not the fierce South American quadruped which is more usually seen behind bars at a zoo. Yet now I come to think of it, had he chosen to take, say, a black panther for an airing down the High Street, Freddie would have been no more of a menace than he is when at the wheel of his car, with more than his usual quota of whiskies inside him.

At first sight, the case against the defendant, Frederick Mainwaring (pronounced Mannering), was formidable enough. The evidence was to the effect that at 11.15 or thereabouts on the night of the 7th inst. (I cannot recollect, off hand, what inst. it was but it doesn't really matter), he had weaved a speedy and tortuous route along Toddington High Street, mounted the nearside pavement twice and the offside one three times, before taking a sharp left-hand bend into a side street, on two wheels, wrapping himself and his car round a lamp-post and doing both of them a bit of no good. To add more strength to the Prosecution's elbow, it was admitted that he was on his way home with one Cyril Teeton from an Old Boys' Dinner at the Swan Hotel. A formidable case, did I say? That is certainly what it looked like—and yet I felt supremely confident from the first.

There were two witnesses of Freddie's historic ride. The first was a police constable with the unfortunate, though apt, name of Brewer; while the second had the even more improbable (if not actually impossible) one of Jeremiah Blunderbuss. Brewer was ambitious and very sober; Blunderbuss was easygoing and very drunk, but they both saw enough to ensure Freddie at least one night in the cells with more than an even chance of spending a great deal longer there, as well as losing his licence. Blunderbuss and Brewer had watched Freddie's erratic ride with varying emotions—the former with a sort of dazed admiration; the latter with open disapproval. Then the Jaguar had disappeared at speed round the bend, and a short and pregnant silence had been broken by a shattering crash which had started Brewer and Blunderbuss off along High Street, as if they had a couple of rockets secreted in their pants.

When they had arrived at the scene of devastation a few moments later, the Jaguar had obviously deteriorated considerably in value and the lamp-post was leaning over at such a dangerous angle that Jeremiah came to the conclusion that it was as drunk as he was himself. Freddie was slumped over the steering wheel with Cyril slumbering gently beside him, and both bore the scars of battle. Cyril's nose was now even flatter and redder than it normally was, while Freddie's classic features were marred by a lump on his forehead the size of an egg. A shattered windscreen appeared to explain the whole thing.

The only other people in the vicinity at the time were a lady of uncertain age and doubtful antecedents, plying for hire; a man some years her junior who looked as if he was prepared to discuss terms; and an over-dressed youth and an under-dressed girl, both of whom should have been in bed (though not together) some time before. None of these members of the populace, however, played any part in Freddie's subsequent prosecution for at the first sign of trouble they melted away, as potential witnesses are apt to do, like snow under a hot sun. P.C. Brewer, an irritating young prig, to whom I took an instant dislike, had something to say at the subsequent proceedings about the lack of public spirit shown by these citizens.

Still, when Freddie was finally brought before the Toddington bench, the prosecution was happy enough with the evidence at its disposal and it was not for me to disillusion them until the time was ripe. As a matter of fact, Freddie and Cyril were pals of mine and I was an Old Boy myself. By the Grace of God, I had not attended this particular Old Boys' Dinner, but I had been present at quite enough of them to be satisfied that, if Freddie and Cyril had not been as tight as a couple of owls after this one, then history had been made on the night of the 7th inst. Indeed, throughout the hearing I made very little attempt to suggest anything else, a course of conduct of which Oswald Astbury, the prosecuting solicitor, obviously approved.

In the early stages, things looked black indeed for the defence and as the trial proceeded they became, if possible, even blacker. Even Jeremiah Blunderbuss, a genial, red-faced and obviously broad-minded man, could do nothing to help Freddie whom he clearly regarded as a kindred spirit. He did what he could by admitting generously that he himself was probably even drunker than Freddie but, handsome though it undoubtedly was, this admission did not really help the defence very much.

If Jeremiah's evidence could hardly be called favourable to the defence, that of the police doctor might well have been described as disastrous by an advocate less optimistic than I was. Dr. Gunn was a conscientious practitioner. One look at Freddie must have satisfied him that he was just about as tight as he could be and certainly not fit to drive a car, but before he made an entry in the Charge Book to that effect, he did the job of examining poor Freddie pretty thoroughly. Indeed, a critic might have said that he *over*did it. Anyone obtaining 100 *per cent.* marks in the examination he ladled out to poor old Freddie would, in my view, not only have established his sobriety but qualified to top the bill in a travelling circus as well. Of course, as was only to be expected, Freddie made a frightful hash of the whole thing. When invited to walk along a straight line, he executed a couple of pretty concentric circles; when asked to stand perfectly still with his eyes closed, he swayed gently to and fro like a field of corn in a summer breeze; when urged to pick up coins of varying sizes from three inaccessible spots on the floor, he fell down precisely three times and made his nose bleed. He then took a few minutes off to be quietly sick in a convenient bucket, and when finally asked to close his eyes again and put

his finger to his nose, he lost a golden opportunity of making a perfectly legitimate rude gesture to Dr. Gunn, by poking his finger in his eye instead. By this time, I can imagine that poor old Freddie must have been blundering about the Charge Room like a mad thing. He had been asked to do almost everything short of actually climbing up the wall, and it must have come as a blessed relief to him when they led him back to his lonely cell.

Like many expert witnesses, Dr. Gunn was at the same time dogmatic and patronizing, and I was sorely tempted to cross-examine him for the sheer joy of trying to deflate his enlarged ego a little or, failing that, simply being as awkward as I could with him. However, in the interests of my client, I resisted the temptation for I had to concede that his evidence was so strong that it would be a waste of time to cross-examine him. So I *didn't* cross-examine him; it was just as simple as that. If more advocates adopted that sensible course, a great deal of valuable time would be saved. Yet the fact remains that when I intimated that I was not proposing to ask the doctor any questions, Oswald Astbury—and, indeed, almost everybody else—looked at me as if they were beginning to suspect that I was either grossly incompetent or simply as drunk now as my client must have been on the 7th inst. Again I did not disillusion them. I should have all the time in the world to do that, later on.

The other two witnesses were P.c. Brewer and the superintendent of police himself, who happened to be on duty at the police station when they brought Freddie in. In view of my tacit acceptance of the doctor's evidence, Astbury took Brewer and his superintendent through their proofs in a short, even a perfunctory manner. Brewer gave his evidence with the air of a young man who knew what an excellent police-constable he was and what a short time it would be before he was wearing three stripes on his arm; and I derived no little satisfaction from the thought that before very long he would not be feeling half so pleased with himself. I knew, of course, exactly what he would say about the defendant because it would be precisely what every police-constable says about every defendant in every "drunk in charge" case. I was not surprised or in the least disconcerted to find that I was right in every particular.

This is what P.c. Brewer had to say about Freddie:

(*a*) His breath smelt strongly of alcohol;

(*b*) He was very unsteady on his feet and unable to stand without support.

(*c*) His speech was thick and slurred.

As was only right and proper, the superintendent was not in court when Brewer gave his evidence but, by a strange coincidence, this is what the superintendent had to say about the defendant:

(1) His breath smelt strongly of alcohol;

(2) He was very unsteady on his feet and unable to stand without support;

(3) His speech was thick and slurred.

Perhaps I was doing young Brewer an injustice in disliking him so much, but I could not help feeling that he had got his eyes fixed much too obviously on his sergeant's stripes. Still, I spared him any lengthy cross-examination. Indeed, I only asked him one question and I am sure he did not for a moment suspect that it had any significance at all.

"What did you say to the defendant," I inquired, "when you found him slumped over the steering wheel in the manner you have already described so graphically?"

"I said: 'Is this your car, sir?'" Brewer replied, and waited for my next question, obviously confident that he would deal with it more than adequately. He need not have worried about that because there wasn't one. I had a feeling that P.c. Brewer was a very disappointed young man at being denied the opportunity of crossing swords with this presumptuous lawyer, and putting him in his place.

When Oswald Astbury closed the case for the prosecution, he resumed his seat with the confident air of a man whose cause is as good as won and, bearing in mind the way things had gone up to now, you could hardly blame him. I don't know what he expected Freddie to say after my unimpressive exhibition as a cross-examiner. In fact, what he *did* say in examination-in-chief and cross-examination must have confirmed his view that a conviction was a foregone conclusion. Freddie virtually admitted to me that he had had more whiskies than he could carry; in cross-examination by Oswald he went even further and conceded that he *must* have had much more than was good for him. He then capped a performance which, up-to-date, had been quite pathetically pro-prosecution, by saying that he did not bother to call in his own doctor because he was quite satisfied that Dr. Gunn, though a finicky old bird, was correct in his conclusions. And that, it seemed, was that. The general feeling now was obviously one of surprise that I had bothered to attend the proceedings at all.

When Oswald Astbury gave me a glance in which incredulity and pity were nicely mingled, he must have been a little surprised to see me still looking reasonably confident. Some two minutes later, he was looking even more surprised; another two, and he was doing his best to hide the fact that he was not only extremely angry, but very uneasy as well.

I did not explode my bombshell until I re-examined the defendant although, of course, I should have done it in examination-in-chief. The only real excuse I have for leaving it until the very last moment is my over-developed sense of the dramatic. I ran a risk that "my friend" Oswald Astbury (though he wasn't that for very much longer) might object to my asking it so late but it was a negligible one and I anticipated no real difficulty. While still confident of success (as he had every excuse for being) Astbury raised no objection when I mentioned courteously that I should like to ask a question which I should have asked sooner. Before I asked it, he was almost genial about it; afterwards, he was very nearly homicidal.

It was quite a simple question really, and I put it as casually as an irresponsible soldier might have removed the pin from a hand-grenade before tossing it negligently into the centre of a busy street.

"Just one last question. Who," I asked the defendant, "was driving the car?"

And Freddy's reply had much the same effect that the hand-grenade would have had when it went off.

"I'm glad you asked me that," he said, "because I really haven't the slightest idea. It's been worrying me quite a lot."

As I stole a covert glance at the prosecuting solicitor, it was obvious that it was worrying him as well. The veins in his neck were becoming rather noticeable and I felt almost sorry for him. I had no such charitable feelings about P.c. Brewer, however, and I experienced nothing but an unholy glee when I saw the look of dismay on his face as he began to realize the significance of my solitary question to him and the reply he had given. For all he had asked Freddie was

whether the car was his and not whether he had been driving it. In fact, P.c. Brewer with an inexperience he would have strongly denied, had taken too much for granted when he had seen Freddie behind the steering wheel, and was now beginning to wonder whether he would not remain a plain police-constable rather longer than he had anticipated. The superintendent was obviously thinking along similar lines. Normally of a florid complexion, he now looked ready to burst into flame at any moment. The ultimate responsibility for Freddie being charged with "driving" the car instead of simply being "in charge" of it was his, and Brewer, so far as the superintendent was concerned, was rapidly becoming a very unpopular man indeed. The superintendent, already envisaging an unhappy half hour with the chief constable, was quite determined that Brewer should suffer for at least the same length of time.

By now I was thoroughly enjoying myself but, with the obvious exception of my client and (I suspect) Jeremiah Blunderbuss, I was the only one who was.

"Shall we try to narrow it down a little?" I suggested, while the court was still getting its breath back. "Were *you* driving?"

"That's what has been worrying me," said Freddie. "I don't *think* I was, but I can't be absolutely sure about it, if you follow me?"

"Thank you."

I had got all I wanted and I sat down, well content. But if I was content, the prosecuting solicitor was not. He was about the most discontented man I ever saw. With the full support of the magistrates' clerk and an occasional encouraging rumble from the chairman, he spent a full five minutes criticizing me for delaying such a vital question so long. Naturally he did not add that he felt a bit of a fool for allowing me to ask it, though I did remind him of the fact with a diffidence that nearly drove him crazy. When I went on to say that I had no objection if he wished to cross-examine again, he nearly went up in smoke. When he rose to his feet to do battle with the defendant, he was not at his best.

"Are you trying to tell us," he raged. "—are you asking the court to believe—are you suggesting that—are you—" At this point, it seemed to occur to him that he was not putting his question with his usual clarity. He stopped, pulled himself together with an obvious effort and spoke almost in a whisper.

"Are you really asking the court to believe," he inquired, "that you don't know whether you were driving this car or not?"

"That's right," said Freddie. "You've grasped the point exactly," he added generously.

His generosity was not appreciated.

"I never heard such nonsense," Astbury said, and in view of his unhappy condition I resisted the temptation of pointing out what an improper observation that was. "*Why* don't you know?"

"Well," said Freddie, "I'd had one or two, you know—and a nasty knock on the head as well."

The fact that Freddie had had a nasty knock on the head obviously caused his cross-examiner no distress at all. In fact, he seemed rather pleased about it. But he positively pounced on the other admission.

"Ah." A gleam of hope flickered for a moment in the unhappy advocate's protruding eyes "So you admit, do you, that you were under the influence of drink?"

"Oh, yes." Freddie conceded the point "I was as tight as a tick, I'm afraid. Jolly bad show, really. But," he added, "I don't think I was driving."

"But you might have been?"

"Well, I suppose so—but I don't think I was."

And that was as far as Freddie would go. When Oswald Astbury resumed his seat he was still a very angry man but he was not yet beaten. There was still a reasonable chance that the defendant would be convicted.

That is to say, there *was*—until Cyril Teeton went into the box and gave precisely the same answers to my questions as Freddie had done. *He* had been worried, too, about the burning question of who had been driving when they did that lamp-post a bit of no good. He often drove Freddie's car and might well have been doing so on this occasion. Unfortunately, much as he would like to help the court, *he* couldn't be absolutely sure about it either. Both he and Freddie had been three sheets in the wind and (as he put it) they had both received an awful bang on the bonce so it was very difficult to be dogmatic about it. In fact, to put it in a nutshell, it was dashed impossible. If he had been a betting man (which, of course, he wasn't) he would be prepared to lay six to four on his being the driver, but he wasn't prepared to go any further than that.

Oswald Astbury, more or less a broken man by now, hardly bothered to cross-examine Cyril at all, but the prosecution made one last desperate throw by re-calling P.c. Brewer to see whether he could identify the driver. Whatever other faults he had, Brewer was a truthful young man and admitted—albeit with the greatest reluctance—that he could not. Before the prosecution's ship went down with all hands, he fired a parting shot by saying that the car had been driven at such a speed that, not only was he unable to identify the driver, he could not even say how many people were in it. Jeremiah Blunderbuss said much the same thing far more willingly, but he hotly denied that the car was being driven at the excessive speed suggested by Brewer.

As every layman (and even a few lawyers) knows, it is the proud boast of the Law of England that a man is presumed innocent until he is proved guilty, and if there is any reasonable doubt about it, the defendant is entitled to the benefit of that doubt. It goes further and says that it were better that a hundred guilty men should escape rather than that an innocent one should be convicted. I had waited a long time for this moment and I spread myself about it. After I had spent a good 10 minutes on what I hoped was an impressive oration on this theme, I dealt with the facts. Neither Freddie nor Cyril could say with certainty who was driving. Their respective positions, when found by Brewer and Blunderbuss, meant nothing at all. They had both either climbed or been thrown out of the car when it made the acquaintance of the lamp-post and the fact that, when they returned to it to recover what wits they had, Freddie had got into the driver's seat and Cyril into the passenger's, had no significance. If they, who were on the spot, did not know who was driving, how could the witnesses, who weren't? I was prepared to admit (and I distinctly heard a hollow moan coming from the direction of Oswald Astbury as I said it) that these two young men had nothing to be proud of: they did not emerge from this unhappy affair with any credit. Still, that did not in any way affect the main issue which the bench had to consider. To preserve the decencies, I tried to suggest that the reason Freddie and Cyril could not help them on the question as to who was driving was not so much because they were the worse for drink but because they had each

received a violent blow on the head when the Jaguar struck the lamp-post.

The bench, on the other hand, took a contrary view and the chairman did not hesitate to say that the real reason was that they were too drunk to remember anything. And that, of course, made the bench and the magistrates' clerk and (I need hardly add) Mr. Oswald Astbury, very angry indeed, but there wasn't really anything they could do about it.

So they had to let Freddie go, but the chairman had a lot of unfriendly things to say before they did. Both he and Cyril had behaved disgracefully, he said, and the bench regretted that they could not punish both of them in the manner they thoroughly deserved. In fact, the chairman said a lot of things he should not have done, but the defendant and his witness accepted them without complaint and I, too, remained silent. I felt—I think correctly—that this was the only way to avert an ugly scene and the defendant could consider himself very lucky to get away with nothing worse than a ticking-off from the bench. I could not help feeling that I was not too popular myself, but I had no regrets. The manner in which I had conducted the defence might have been a little unorthodox but it had paid dividends, and I had enjoyed an hour of triumph that would almost certainly not be repeated in my lifetime. It is the dream of every advocate to change the whole complexion of a case with a single question, and I had done it.

But that was not quite the end of the story. Naturally, I was feeling very pleased with myself when we left the court and I considered it only proper that Freddie should be made to acknowledge how much he owed to the services of an astute advocate.

"You know, Freddie," I said, when the tumult and the shouting had died, "you're a lucky devil."

Freddie didn't seem to thing so.

"Oh, I don't know," he said.

"Well, there's gratitude for you," I retorted, stung by the indifference of the man.

"Oh, you did all right, old man," Freddie conceded. "For one of your limited experience you put up a pretty good show. You mustn't think I don't appreciate it."

"You overwhelm me," I replied, and if I spoke caustically there was some excuse for it. "Think nothing of it. After all, I only saved you from losing your licence and spending six months in the jug. You know perfectly well you were driving the damn thing."

It was then that I got the shock of my life.

"That's just the point," said Freddie. "I wasn't." And it was perfectly obvious to me, who knew him as well as anybody, that he was speaking the truth.

I turned to Cyril, and when I spoke there was more than a hint of reproof in my voice.

"Cyril," I said, "you're a dirty dog."

"No, he isn't," Freddie insisted, "because he wasn't driving either." And Cyril nodded his head in silent agreement.

This was more than I could stand. I raised my eyebrows as only a lawyer can and was just about to let fly with something really caustic when Cyril spoilt the whole thing.

"It was Tony," he said.

And then the penny dropped. I did not need to ask who Tony was. We used to call Freddie, Cyril and Tony Meredith the Three Musketeers because they were always together, starting from the bottom of the Lower Third and working their way up to the bottom of the Lower Fifth. "One for

all, and all for one" had been their motto in the old days and apparently it still was. The real villain of the piece had not appeared before the Beaks at all.

And then I remembered what P.c. Brewer, that disillusioned young man, had said about the lack of public spirit that had kept the missing witnesses from the scene of Freddie's martyrdom. But I knew better. At least one of those witnesses had shown much more sense than the Form Master of the Lower Third (or Fourth or Fifth) would ever have given him credit for.

In Lighter Vein

HIS FIRST CASE

By JAMES TILLOTSON HYDE

It was quite dark when the alarm-clock shrilled, and the sleeper awoke. He fumbled under the pillow for his torch, saw by its beam that the time was seven o'clock, stretched, and rose. He felt far from cheerful, although he had a dull sense of excitement which hurried his movements.

This was the day for the hearing of his first case in the High Court. Months before, when he had just been called to the bar, he had entered his name on the list of barristers who were willing to undertake the advocacy of a divorce petition on behalf of a "Poor Person"; that is, a man or woman whose income was low enough to entitle him or her to the services of counsel without fee. Several newly-called barristers were glad of the opportunity to gain experience in this way; and even older and longer-established counsel often undertook such cases: there were certain advantages.

As the young barrister dressed, he wondered if his client, a woman, would be excited at the prospect of receiving her freedom. She must have had a hard life in bringing up four children after her husband had deserted her three years ago. But perhaps his client's eagerness to get her legal remedy had been dissipated by the long delay: it must be more than 12 months since she had applied for legal aid. She would know nothing of the long list of applicants, whose numbers grew daily, from many causes.

Hardly yet awake as he hurried through the dark frosty streets to the station, young Blake envied his brother-lawyers who had rooms near the Law Courts; economy had compelled him to take the cheaper suburban lodgings, where he was comfortable, but so distant from his work in the city. He was not a good early-riser, and, what was worse, his early breakfasts were followed by the pangs of hunger long before the hour for lunch. Well, he hoped his case would come on early, so that he could get a hot drink. He knew a man who had once drunk some hot rum before going into court: he had been warmed by the drink, but the results had been disastrous . . .

Punching his fists against each other for warmth, he once more ran over the details of his case; there seemed to be no great difficulties, but one could never be sure. He hoped the Judge would recognize him as a newcomer, and be tolerant, as indeed, they were known to be. Some of the older barristers came under the lash of the Judge's caustic tongue when they floundered, but then they were hard-bitten, and could bear the reproof.

Blake arrived before 10 o'clock, and found his solicitor scanning the list of cases.

"Good morning, Mr. Blake," he said. "We're on fourth. "That'll bring us to about 11 o'clock, I suppose. Oh, here is Mrs. Nolan, our client," and he indicated a pleasant-looking woman of about 35 years of age, who was standing near.

"I suppose you'd like to speak with her for a moment, as there's time," and he led the way to a bench at the end of the wide corridor.

There was little to talk about. Blake was more interested in the kind of impression which the woman would make in the witness-box. He addressed a few remarks to her, and was relieved to find that she had a clear speaking voice; he had had enough experience in these courts to know the difficulty of proceeding smoothly with a case, and preserving the Judge's good temper, when acoustics made mumbling witnesses quite inaudible.

The woman seemed rather anxious to ask questions about the case, but Blake wanted no last-minute reminders of his duties. He, in turn, asked questions about her children, to set her mind at ease: how she managed to work, and play the part of both parents to the young children. One could learn a lot about life from these short interviews.

There was a sudden bustle near the entrance to one of the courts. The solicitor hurried across, then returned. "Ours is the one after the next," he said. "Perhaps we had better go in now," and he led the way into the rather dark court room. Blake stood for a few moments, then scrambled along the narrow pew reserved for counsel, bowed to the Judge who was busy writing, and then sat clutching his brief and his notes. He was rather nervous now, and he noticed that an usher and a reporter were looking at him with some slight curiosity. He lowered his eyes, and listened to a barrister standing beside him, who was confidently beginning to examine his first witness. As the case proceeded, Blake regained his composure. He glanced at counsel who was warming up to his case. He was a middle-aged, stoutish man, and he used his hands freely to emphasize his remarks. Blake studied his style in a detached, critical way, and decided that it was very good. But he could not help looking at the soiled elastic tape which supported his confrère's bands, high up on his otherwise immaculate collar. His own neatly-tied tapes, orthodox, and tucked away out of sight, gave him some assurance. Surely these "elastic" fellows—and there were several others there who affected this ugly form of band support—must know that their clients were sitting behind them, and appraising their dress as well as their words!

But there was little time to dwell on this minute spot of satisfaction with himself. The Judge, annoyed by some perversity of counsel, was beginning to show signs of displeasure. He interrupted sharply, more than once, and a bitter comment left his dangerously tightened lips. "Go on," groaned Blake inwardly. "Get him into a really nasty mood, just ready to jump down my throat if *I* make a slip," and he sat praying that his neighbour would see the signs before the storm broke upon all their unlucky heads.

For a few minutes the atmosphere was tense, then, almost suddenly, relaxed. Blake became bolder, and looked around

him once or twice. There were the same usual onlookers: a few solicitors' clerks, looking bored; two or three law students; a few dyed blondes of raddled prettiness; an elderly chambermaid waiting her turn as witness; and a group of prosperous-looking provincial visitors, who were "doing the sights."

The next witness was an elderly man, very deaf. The resultant shouting, misunderstanding of questions, and repetition of answers, thoroughly dispelled the previous iciness of the proceedings. A smile went round the court. The Judge cupped his hands to his mouth to yell a question, and seemed to enjoy doing so; and, when he pronounced that he would grant a *decree nisi,* everyone felt cheerful. By the time someone had squeezed past him in the narrow pew, and the clerk of the court called "Nolan against Nolan," Blake was calm and steady.

He stood. He heard his own voice coming from a long way off. "This is a wife's petition, my Lord, on the ground of desertion." There was still a movement of people leaving and entering the court, a murmur of voices and a scraping of feet, but Blake half-turned, caught the eye of the solicitor, and called in a clear voice, "Mrs. Nolan." By the time his client had entered the witness-box, there was comparative quiet.

Blake began. He was encouraged by finding that he could hear the witness's replies to his questions. The nervousness had nearly all disappeared; and he ended by asking for a *decree nisi* and certain costs, and custody of the children.

The Judge nodded. "*Decree nisi,* costs and custody of the children," he said. Blake bowed, and sat down. He endorsed his brief, and then began to push gently past other barristers who were waiting their turn, and sitting near him. It was over, but he felt very flat. He was dissatisfied with his performance now that it was over, and he realized he was unsteady and slightly dizzy. He looked at his watch. "I must be hungry," he thought. Outside the court, the solicitor and woman waited. "Thanks very much," the solicitor said; "will you excuse me, I have a case in another court?" and he hurried along the corridor. The woman hesitated. She was looking relieved, but flushed from the ordeal. "I'm sure I'm very much obliged to you," she said; "it wasn't as bad as I thought." Blake took her outstretched hand. His own hand ached with cold, and for a moment he enjoyed the warmth of the woman's large work-roughened hand. He smiled.

"Well, you won't be at all scared the next time," he jested, as he began to move away. He heard her say something about "there wouldn't be a next time," as he turned towards the stairs.

As he took off his wig and gown in the robing-room, the dizziness seemed to get worse. He stumbled outside, and half-ran across the road to a cheap restaurant. In a few minutes he was carefully collecting the last spoonfuls of his soup. He sat back and pondered; then he pulled some coins from his trouser pocket.

"That'll have to do," he thought; "it's a few days yet from the month-end." He reached for his coat, and as he pulled it on, he heard a woman's voice say: "I'll have the turkey lunch, please." He turned at the sound of a voice now familiar, and saw his late client as she sat at a nearby table, giving her order to a waitress. As he buttoned his coat, their eyes met. He felt rather embarrassed, for a number of undefinable reasons.

As he passed her table, he realized that this day was important, to her. It was a crisis, safely passed. He hesitated a second, then, turning towards her, he smiled, and said quietly, "Good luck."

The woman returned the smile. He was very young.

In Lighter Vein

FOLK LAW

By C. T. LATHAM

"I've never been in a place like this before," says the confused old lady, and she looks around her in bewilderment. For after 50 years of unconvicted honesty she finds herself lost in the corridors of the local magistrates' court. At any moment she may accidentally walk into a vacant cell and find herself locked up for trespass. Or she might mischance to meet some notorious shop-lifter and lose her reputation. Worse still she might open the wrong door and find herself at the end of the court behind the magistrates—all eyes turning towards her, a deathly silence falling, and the magistrates themselves slowly turning round with incredulous expressions—and then what would happen?

The police constable looks down at her with pity.

"That's all right, madam, you soon get used to it."

"But I don't want to get used to it—I want to get out of it as quickly as I can."

How can one who spends his life in such awful places understand the feelings of a respectable person? Decent folk are not seen with the police, and certainly never frequent houses of ill-repute, dog tracks, and magistrates' courts. It's bad enough having your house broken into without having to consort with the criminal classes by being called as a witness.

The poor old lady totters out into the street, shaken and demoralized, sentenced to appear at the Assizes in three weeks' time.

* * * *

How much happier she would have been if she had been to her local court once or twice to answer a summons in respect of a trivial offence or two. A conviction for selling fireworks to a child apparently under 13, or for causing an obstruction with a horse and cart would have given her an acquaintanceship with the humanity of the place which her Sunday newspaper has failed to convey. She would have acquired the nonchalance of an habitué.

It is regrettable but true that not everyone enjoys the distinction of previous convictions. But even the most respectable undetected malefactor can acquaint himself, or, of course, herself, with the rudiments of Court Deportment. The subject is vast, embracing such diverse situations as the first summons for speeding, the second arrest for loitering with intent, and the third voluntary appearance to ask for further time to pay the fine. However, a few general hints will, perhaps, serve to put the inquiring citizen on the right road.

Minor offences can be grouped together and include such pranks as pitching a tent or shaking a mat in the street,

selling cigarette papers to a child under 16, and reversing down a one-way street. In such cases the unenterprising defendant usually writes a letter asking for the case to be dealt with in his absence. He will learn nothing except the the amount of the fine and where to pay it, and for all the good it has done him he might just as well have not bothered to be summoned at all. He is the sort of person who, having been awarded the George Cross, writes to Buckingham Palace from Wimbledon requesting that the medal be sent to him by post.

The inquiring citizen will attend court. He will not nervously admit the offence but will politely ask to have it explained to him. For example, he could inquire:

"Is a tent regarded as pitched if the pegs holding the guy ropes are not driven into the ground?"
Or:

"Does it make any difference if a perfectly clean mat is shaken, or must there be dirt in it to constitute the offence?"

He will, of course, apologize for his ignorance and repeatedly crave the court's indulgence—the latter being an essential part of the formalities. He will take great care never to actually deny the offence but will at all times express himself willing to plead guilty to save the time of the court.

And even if he does leave the court the poorer by a pound or two of ordinary money the knowledge and experience he has gained are cheap at the price. What is more, the tactics referred to can be employed in any type of case, although in some instances a specialized technique is often desirable.

In the more serious motoring offences such as driving without due care and attention (known as careless driving), and dangerous driving, a useful practice is to blame the other motorist, even if his car was stationary. In fact it is usually quite easy to demonstrate that both cars involved in a collision were standing still at the time. Not that this device will affect the result. But at least it will help to satisfy the wife that it is not necessary for her to take driving lessons.

Common assault is a charge often levelled at the most respectable and upright of citizens, usually by neighbours ill-equipped to withstand the strain of communal life. The odd pail of water flung over the garden fence in the heat of an argument or the casual rap of the head with the clothes prop to emphasize a point are all too often made the excuse for a visit to the magistrates. Whatever the allegation the remedy is simple: announce a willingness to be Bound Over to Keep the Peace. The court will accept the offer with alacrity. True, it means that the water in the pail will have to be used for the mundane purpose of swilling down the yard and the clothes prop for the uninteresting duty of holding up the line, but only for the duration of the Bind Over—usually 12 months.

* * * *

When is comes to real crime, however, different considerations arise. For we have left the province of the amateur and entered the realms of strict professionalism. Amateurs in crime are objectionable creatures, almost always violent persons. Nobody likes the thug with a gun or the hooligan with a cosh, the habitual criminal least of all. They give the profession such a bad name.

Habitual criminals, or recidivists, as they prefer to be called are not, on the whole, well disposed towards the entry of even non-violent amateurs into the business. They feel that crime is an occupation demanding a man's whole attention and is not something to which he can devote a few leisure hours. "Housebreaking is no hobby," is how one of the country's leading burglars put it.

The experience and education which the ordinary man can obtain by appearing before his local magistrates in respect of some sedate or technical offence is valuable without a doubt. But he should beware of substituting this for the long apprenticeship required for an entry into crime.

But this is not to say that nothing can be learned from the professionals. On the contrary, they present the serious court-goer with a great deal of priceless information if only he will take the trouble to look for it.

The first thing which must be understood is that there are two schools of thought governing the Court Deportment of recidivists. When the behaviour of a criminal in court is being observed it is essential that the school of thought of which he is an exponent should be known.

The first school pleads "Not Guilty" on principle. The second school pleads "Guilty" every time, also on principle. It is thus quite simple to ascertain to which school any particular individual belongs provided he is heard to plead.

The "Not Guilty" school rely on two main defences known as "The Alibi" and "The Mistaken Identity." They provide the courts with many involved, and therefore legally interesting cases, and also provide the national daily press with its basic material.

The most important lesson to be learned from this school is the art of pseudo-defence. This involves the preparation of two defences. The real defence will be, say, an alibi, but this will be preceded by the pseudo-defence preferably

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S.O.E.

With Christmas a-coming, extensions abound
For dinners, or suppers, the whole social round,
Each Court has its lists, growing longer and longer,
Giving more time for "supping," though ale grows no stronger:
"Occasionals," too, far more frequent befall
(But not after sunset, save "Dinner" or "Ball.")
Thus the staff of the Courts fill up forms in galore,
Whilst the publicans, all, fill up pots more and more!

And so, as the Season draws ever more near,
Down into the cellars roll barrels of beer,
Until comes a Court, with Mine Hosts there in force,
To ask for "Three days," as a matter of course,
The "Eve," the "Day After," "New Year" in the offing,
To help a dry public to manage its quaffing.

The Bench, who at this time, in good feeling wallows,
Nods "Granted," that Winter, like Spring, may have "swallows".
But "Oh," sighs the Clerk, "is the fee to be—What?
"Five shillings each day, or five bob for the lot?
"If fifteen's the figure, 'twill cause many burnings,
"In licensees' hearts, at the sad loss of earnings.
"If five for the three, then if Justice be done,
"Let them serve US three drinks, but just charge us for one."

A matter of money, and difficulty, very,
But be what it may, let Old Christmas be Merry.

JAY DUDLEY E.

based on an abstruse point of law. The pseudo-defence is most effectively employed towards the end of the prosecution's case.

The prosecution witnesses will have been subjected to the most cursory cross-examination, or better still not cross-examined at all. In fact, the defence will have been conspicuously disinterested in the proceedings until the time comes to raise the point of law. At first this will be pressed hotly but, just when everybody thinks that the defence is going to stand or fall on this issue, counsel will profess complete indifference and assure the court that the defence does not wish to take advantage of any technical point as the accused has a complete answer to the allegations made against him.

The advantages of this tactic are obvious and it has never yet failed to make a weak defence sound like the protestations of an innocent man.

The " Guilty " school is, in some ways, the more attractive. They rely almost exclusively on sentiment. They did it (whatever it was), they frankly admit it, but circumstances were against them. It is these gentlemen who provide us with a great deal of our Sunday reading, for the brilliance of imagination in creating circumstances which they were powerless to overcome is ideal for a series of exclusive articles.

Of course, some histrionic ability is necessary if this school is to be followed, but a sense of timing alone will go a long way.

Basicly the distinction between the two schools is that the " Not Guilty " school believe in all or nothing, that is to say they hope to get away with it altogether or are prepared to suffer a heavy sentence. The " Guilty " school, on the other hand, act on the principle that a number of short sentences is preferable to a few acquittals followed by one long sentence.

It will be readily appreciated that to recidivists " sentence " is synonymous to " term of imprisonment."

Until quite recently the aspiring recidivist had to learn through his own experience and from the help and advice he would receive from older and more accomplished colleagues. Now, however, he can learn a great deal from an illuminating little booklet by H. C. (Screwman) Wilson entitled *Trials and Error* (Parkhurst Press 4*s*. 6*d*.) It is ideal for the young man who has just entered the profession and when it is better known will certainly form as essential a part of an accused man's equipment as *Archbold's Criminal Pleadings* does to that of his counsel.

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There is no doubt that the tactics of the professional cannot easily be employed by the inquiring citizen who arranges to be summoned to court only occasionally and then simply in pursuance of a policy of further education. Nevertheless, an appreciation of the principles underlying these tactics is invaluable.

In time, no doubt, a manual will become available to the man in a small way of law-breaking showing him the correct way to conduct himself in court. In the meantime it is hoped that these few notes will at least show him that there is a right and a wrong way to present his case. Perhaps it will also serve to stimulate those radicals who express a desire never to appear in court under any circumstances.

Justice is our most valuable heritage. It is a pity that so few make themselves available to receive a portion of it.

CHRISTMAS TERM TEST PAPER

(*For Conditions see back. The Examiners' decision is final*)

1. Could Lot's wife have successfully alleged cruelty ?

2. A plaintiff claims that a number of his answers were really spoken by the defendant, a ventriloquist. Discuss.

3. Distinguish a petition for restitution of conjugal rights from a conveyance. Does it bear a closer similarity to a will, and if so in what respects ?

4. A dentist has the unexpected good fortune to receive his inspector of taxes as a patient. Explain fully the legitimate lengths to which he can go.

5. Could a discretion statement be admitted to probate ?

6. It has been said that the camera does not lie. Explain, with particular reference to libel actions against photographers.

7. By a contract made in Russia a British company agrees to carry a greyhound to the moon. Discuss the legal implications—in English.

8. If your wife is a limited company, how do you stand with regard to divorce ? Could she get custody of the company's car ?

9. Discuss the third and fourth sections of The Old Pals Act.

10. " Rome was not built in a day." Discuss with particular reference to (1) unreasonable delay, (2) the Italian Civil Code and (3) the standard form of R.I.B.A. contract.

11. Discuss the psychiatric implications of the judicial observations: (1) " I'll tell you what's passing through my mind " and (2) " This is how my mind is working."

12. Who said: (1) " You have been acquitted by a jury of your own county and leave this court without any further stain upon your character " ? (2) " If ever there were a worse case than this case, that case is this case " ? (3) " I cannot usefully add anything " ?

J.P.C.

In Lighter Vein

CHURCH PARADE

We are on our way to church—the first Sunday for this mayor. I am on his right and the deputy on the other side. The mace ahead is bobbing up and down and its aged bearer is already bending at the knees. I hope he makes it. The swordbearer in his fur cap of maintenance is a much sturdier figure. I really enjoy these occasions; interspersed with the constant criticism they make a public job like mine tolerable—cases of public adulation in a desert of derision. There is dignity and public approval shown at such ceremonies.

Behind us stretches the procession; mayor and aldermen with me in robes, then the borough justices who always fight for the position in front of the aldermen and compromise by going there. Then the councillors, two top hats, one bowler, four flat caps and a few trilbys. Meanwhile the mayor's chain has slipped and he really looks entangled with it. Two or three citizens stop and gaze at us in amazement. One American produces a camera and we all put on toothpaste smiles; it causes him to change his mind and he puts it away hurriedly. As we pass, a child asks his father "Why are they going to church, dad?" He replies, unnecessarily loudly, I think, "The parson gives one look at them and then prays for the town." The deputy mayor, a belligerant type, is only just dissuaded by me from stopping to explain how wrong he is, and how some characters he knows need more than praying for; he is sorry the stocks are no longer available.

Three or four youths are propping up the wall of the "Horse and Groom" as we come up and they stare in obvious admiration at the sword-bearer. Here at last, we have brought civics to the boy in the street. This is his contact with the town life of England extending back through the centuries. Unfortunately they call out after the swordbearer "Look at Davy Crockett," "Stabbed any bears?" The sword-bearer responds with a smart "Wait till I've finished with this lot," and we are beyond call. Councillor Jones in his flat cap will be rejoicing—he probably put them up to it. He voted against the repair of the robes last month. "It is vain they are—strutting and parading at the ratepayers' expense." He also tried to quote Burns, but it became entangled with his lilt and he finished abruptly.

Now we turn right into Market Lane, you can always tell it is a mayor from the majority group if we come this way, because the council have repaired it; when the other side have the choice we come by the Market Place which is potholed and they hope somebody in the procession will fall down and sue us. Here there are a few of the populace out to see us. Unfortunately, I recognize one or two stalwarts from the Market Place—one the unsuccessful candidate. "Chosen a safe road," he says as we pass. The deputy mayor, a refined character, wants to stay and fight him, but the mayor pulls him on and so to the entrance of the church and in. One in the procession has to be reminded to remove his hat, and we are there. As usual, I am to read the first lesson. The vicar here has, of course, reserved the second, as more important, for the mayor. Nobody will follow that and think I've usurped him. I time it exactly and the congregation is shuffling down into its pews as I open the Bible to read. The lesson is from Jeremiah; they have marked it at the alternative lesson from Chronicles. I thumb hastily through—the big pages feel like a ton in weight—a deep silence settles on the church. Nehemiah—Esther—Isaiah—Ezekiel—missed it—and back I go. There are one or two coughs, my wig feels hot and prickly and I cannot even gag my way out of this—Proverbs—Isaiah—Hosea—Amos—missed again. The vicar looks awful, I feel awkward, the mayor's eyes are like saucers. Back I go—this time lucky. What a journey it seems back to the front pew and so long since I left it in all confidence and innocence. The vicar preaches on Proverbs II, "Where no counsel is the people fall; but in the multitude of counsellors there is safety." This really crowns it. Most of these elements do not know how to spell, and they will construe this as a direct criticism of the new scheme I've just got out for altering the wards and reducing the size of the council. I am so engrossed in trying to work this out that I forget to stand at the end and get a jab from the deputy mayor's elbow.

I then find he not only wanted to jolt me, but has no collection. I pass him my only other money—a 10*s.* note. I shall not see that again, and he'll put it in the plate with a flourish and get the credit.

All over, and we are to reform in the aisle. The macebearer has appeared, and so has the swordbearer. I motion the mayor to leave. He does not—I cannot understand why until he points out that I am standing on his robe and he cannot get up. We form up again and are away. We leave ahead of the procession; to be ready at the saluting base we take a shorter route. We form up and all is ready. I hear the sound of the band, then instead of getting nearer, it begins to recede. They must have crossed the Market Place on their way back to the Drill Hall. I begin to sweat again. The friendly deputy mayor leans over to me and says "Did someone forget to tell the band the mayor was taking the salute?" I cannot remember; I would like to rush away and fetch them back. The macebearer is loudly telling the mayor that the town clerk made all the arrangements for this ceremony. With the old town clerk, it was always left to him, and then things never went wrong. The councillors are beginning to get restive. It starts to rain. Councillor Jones is sorry for those in robes, he has his mackintosh on; a pity they haven't. Suddenly from the wrong direction, appears the band. They had been on a detour. Everybody straightens—behind the band drags the rest of the procession—eyes right. His Worship salutes back instead of raising his hat. I could not care less—then they are passed. We return to the town hall to drink the mayor's health.

I have to change my collar, therefore I am the last in—"Come along Mr. Town Clerk—Did you have trouble in finding your place again?" This is thought very funny by all concerned. I am so boiled up that I choke on my first drink of his wretched sherry. To which the ever witty deputy mayor remarks, "You should stick to lemonade, lad!"

In proposing the mayor's health, Councillor Blank tells him he'll need all his strength to endure the troubles, mistakes and worries of the forthcoming municipal year. He is the barrier between bureaucracy and the people; they all look to him, *etcetera, etcetera.* In reply he tells them all he hopes to do, "unless prevented by others." His tasks sound like a cross between his election address and cleansing the Augean Stable. He even mentions the town hall windows used to

be cleaner. I don't suppose even my predecessor cleaned them himself.

At last it is all over. So home, where lunch has had to be delayed so that I could have an enjoyable morning—"and if you are irritable you should have come home after the service and not stayed for the wine bibbing on an empty stomach!"

Why did I not seek appointment with a quiet rural district or county council?

J.E.S.

CLEAR AS A WHISTLE

In one of those outbursts of national self-criticism which have become characteristic of the Soviet Union in the post-Stalin era, the *Literary Gazette* of Moscow has been castigating the "lazy" habits of some present-day Russian composers. The article (says *The Times* correspondent) complains that "many Soviet popular numbers sound much the same"; this in itself is a criticism that would equally apply far nearer home. On both sides of the Atlantic Ocean the outpourings of song-writers of the "Smilin' thru, under skies of blue, with you" *genre*, and the effusions of the hip-wagging, foot-tapping, head-shaking school of dance-music, have so much in common that it would be difficult for the layman to distinguish one from another—even if it were worth his while to make the attempt. The Moscow periodical, however, has not merely noted the fact; it has analyzed the causes. In Russia, it seems, the custom has grown up, among composers of this kind, of delegating to others the task of completing their partially finished works. The same "hack-musicians," we are told, are called upon to take over the inchoate melodies which the original composers are too bored or too indolent to work out in detail; lacking all originality, these wage-slaves impart a similar strain to all they write, with the result that the finished product, instead of being hand-turned, bears the impress of a machine-made article. Whether this kind of music merits the vivid aphorism of Keats—

"Heard melodies are sweet, but those unheard are sweeter"—

must remain a matter of personal taste; but the technique employed certainly seems to have produced a dull uniformity which is foreign to the spirit of the most sublime of all the arts.

What is a little surprising is that the *Literary Gazette*, after mentioning various composers who write only the few initial bars and then pass on the work to others to complete, complains that these indolent geniuses have hitherto enjoyed all the credit in popular musical circles; and it goes on to draw the conclusion that it is time to "glorify" those lesser lights who bask in their reflected glory. Salutary as the criticism may be as a counterpoise to vanity of the former class, the conclusion, one would imagine, is scarcely likely to elevate the standard of popular taste or to spur the plodders to greater creative efforts. Apart from its ideological correctitude, such a view has little to recommend it.

To those who have pursued some form of musical studies, the work of these so-called "hacks" will not be unfamiliar. Given the first few notes of a harmonic series, it is no very difficult exercise for the student to complete it in correct form; nor, when he is farther advanced, should he boggle at the task of working out the development and recapitulation of a given first and second subject in sonata form. Necessary, however, as such exercises may be to the student, nobody would suggest that the method is likely to produce musical works of a high standard or surpassing quality.

The Moscow article illustrates its theme with the story of a Leningrad composer who was commissioned by a studio to compose the score for a forthcoming film. The composer (says the *Literary Gazette*) "procrastinated until finally, with the film completed, the studio telephoned to him in desperation." The great man was not in the least put out. He "just whistled his tune, the way a nightingale would do, over the telephone," and the enterprising staff at the studio managed to elaborate this clue into a complete musical score.

Shakespeare, as usual, has foreseen the situation, as witness *King Richard II*, Act V, Scene 5:

> "Music do I hear?
> Ha, ha! keep time! How sour sweet music is,
> When time is broke and no proportion kept!
> So is it with the music of men's lives.
> And here have I the daintiness of ear
> To check time broke in a disorder'd string . . ."

The puns about failing to keep time must have been bandied about in Soviet musical circles for quite a time. The nightingale-metaphor is less obvious to western ears; Tennyson called the little songster the "hundred-throated nightingale," and some of us have been privileged to hear him over the radio; but the telephone, with its clicking and squawkings, is scarcely an appropriate instrument to reproduce his limpid notes. All the more praise, then, to those painstaking persons who, from a few whistled phrases at the other end of the line, succeeded in building up a full orchestral score and having it ready, moreover, for the film's *première*.

There is something about this feat of improvization that bears the stamp of genius. Mozart, it is true, composed his three last and greatest symphonies (concluding with the glorious *Jupiter*) in six short weeks of the summer of 1788. In his brief life of 35 years he composed more than 600 vocal, instrumental and orchestral works; yet he could, on occasion, procrastinate in a manner which was the despair of librettists, producers and singers alike. The overture to *Don Giovanni*—that sublime, sinister, mysterious flowering of his full maturity—is said to have been written the night before the first performance of the opera in Prague, and distributed to the players, with ink still wet, to get through at sight as best they could. But not even Mozart is credited with the feat of producing a full orchestral score, on the spur of the moment, for a film all ready and complete, from a few bars of melody whistled over the telephone. Here is a species of ingenuity which out-sputniks all sputniks, past, present and to come.

A.L.P.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Thursday, December 5

ENTERTAINMENTS DUTY BILL—read 2a.
EXPIRING LAWS CONTINUANCE BILL—read 2a.

HOUSE OF COMMONS

Monday, December 2

IMPORT DUTIES BILL—read 2a.

Thursday, December 5

POST OFFICE AND TELEGRAPH (MONEY) BILL—read 2a.

Friday, December 6

DIVORCE (INSANITY AND DESERTION) BILL—read 2a.
ROAD TRANSPORT (LIGHTING) AMENDMENT BILL—read 2a.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Criminal Law—*Malicious damage to a bridge—Appropriate charge.*

Will you please give me the value of your opinion as to the correct statute to apply in the following case?

A man commits malicious damage to a bridge to the value of £7 10*s*. Should he be charged under the Malicious Damage Act, 1861, s. 33, or can the Criminal Justice Administration Act, 1914, s. 14, be applied?

FRANCA.

Answer.

We do not think that s. 33 of the 1861 Act and s. 14 of the 1914 Act are interchangeable, as the contents of the offence differ in each case. Section 33 reads: "Whosoever shall unlawfully and maliciously pull or throw down or in anywise destroy any bridge . . . over or under which bridge . . . any highway, railway or canal shall pass, or do any injury with intent and so as thereby to render such bridge . . . or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable shall be guilty of felony." It is clear that the gravaman of a charge under s. 33 is the intent to render the bridge, etc., dangerous or impassable, and, to that extent the damage is incidental. If the facts in this particular case do not bear out any such intention, but merely disclose damage to the bridge, the appropriate charge is under either s. 14 of the 1914 Act or s. 51 of the 1861 Act. The advantage of the charge being made under s. 14 of the 1914 Act is the power given to the court to award compensation.

2.—Highways—*Obstruction of footway by display stalls.*

A practice is becoming rapidly more prevalent amongst shopkeepers in this borough of erecting small display stalls immediately in front of their shop windows for exhibiting goods. These stalls are in all cases erected on land which forms part of the public footway. In all of these cases the land forming part of the public footway was dedicated to the public unconditionally. Another practice which is increasing is that of some shopkeepers of placing weighing machines on the public footway outside their shops, where the public footway has been unconditionally dedicated. Finally a third practice is increasing, *i.e.*, that of itinerant vendors who come on the sea-front in the town and erect a stall on the public footway, generally adjacent to a garden wall, and sell goods from the stall.

I have advised the council in the past that all such practices constitute an offence capable of being dealt with summarily under s. 72 of the Highway Act, 1835. Warning letters have been written to the persons concerned, advising them that they were wilfully obstructing the passage of the public footway and asking them to remove the obstruction forthwith. Replies have been received from some of the shopkeepers to the effect that they have consulted the local police, who have advised them that so long as they were not causing an actual obstruction they were quite in order.

I have consulted your answers to previous Practical Points, in particular:

Obstruction—Display of goods (117 J.P.N. 662)
Obstruction—Proof of actual obstruction (99 J.P.N. 478)
Obstruction—No evidence of actual obstruction (100 J.P.N. 218)
Automatic Machines projecting over footpath (95 J.P.N. 784–785)

and note that whilst the first and the third named answers state unequivocally that it is not necessary to prove that someone was actually obstructed, the other two seem to indicate that actual obstruction must be proved. I myself thought that it was only necessary to prove that the land on which the alleged obstruction was situated was part of the public highway, dedicated unconditionally, and that accordingly whatever was erected thereon became automatically an obstruction, there being no need to prove that the free passage of the footway was actually obstructed for some particular person or persons.

I should be obliged to have your views on whether the three practices named in the opening paragraphs could successfully be dealt with under s. 72, without the necessity of proving that someone was actually obstructed.

P. IRISH.

Answer.

Yes, in our opinion. *See Homer* (*or Horner*) v. *Cadman* (1886) 50 J.P. 455; *Gill and Carson* v. *Nield* (1917) 81 J.P. 250. For other remedies, *see* the Town Police Clauses Act, 1874, s. 28; Road Traffic Act, 1930, s. 56, and, for the remedy of the local authority by virtue of their right of property in the highway, *see Reynolds* v. *Presteign Urban District Council* (1896) 60 J.P. 296.

Looking at the answers mentioned in the query, we think the fourth (earliest in time) is least in point, because the alleged obstructions projected from buildings and were not on the ground. The second (99 J.P.N. 479) might perhaps be supported by saying that the alleged obstruction was highly mobile, to wit, a barrow, but the answer given next year is to be preferred. The first answer cited (117 J.P.N. 662) was within the range of our most recent exploration of this perennial problem: *cp.* the long articles last year cited in the first line of p. 609, *ante*. It is to be hoped that the police did not really give the advice attributed to them.

3.—Guardianship of Infants—*Order for access—Enforcement.*

My colleagues and I find that the above subject is one of the most difficult in which we are called upon to assist. You will of course be familiar with the clause inserted in most orders relating to the custody of children whether they are made under the married women's legislation or under the Guardianship of Infants Act. Such clauses in the orders usually specify in general terms that the parent, who has been deprived of the custody of the children because of the making of the order, shall have reasonable access to the children. This does not constitute any difficulty in the majority of cases, the reason being that the parent who has been granted access chooses not to exercise the right or does exercise it with the full co-operation of the other parent. The difficulty arises when the parents cannot agree on mutually satisfactory arrangements. Sometimes the practical difficulties are indeed formidable, *e.g.*, when the visiting parent is *persona non grata* in the home of the parent who has custody and the age of the children and the state of the weather makes street meetings inadvisable and sometimes impossible.

The real difficulties arise, however, when both parties are feeling very bitter against one another following a long period of matrimonial discord during which mutual love has been replaced by mutual hate; in those circumstances the reasonable parent ceases to exist. The device of asking the court to define access sometimes solves the problem but in practice we find this something of a dangerous remedy because if the court's order is defied there seems to be real doubt about the powers of enforcement, at least in the magistrates' courts. I have heard it held that the court has no powers to enforce an access order and can only rely on persuasion; alternatively I have heard parents threatened with imprisonment if they did not comply. Some courts seem to think they have found a solution by advising the aggrieved party to apply for the custody of the children to be given to them. This in my opinion is really no solution as such an application would in most cases be foredoomed to failure, because the applicant would not be in a position to care for the children except for the few hours weekly that he or she is seeking under the access clause.

You would be doing a great service to all concerned in these matters if you could give an opinion on enforcement of the access rights of a parent.

VONSA.

Answer.

There appears to be no doubt that an order for access, if in definite terms, can be enforced under s. 54 of the Magistrates' Courts Act, 1952. Such an order might well be worded "that the mother do grant the father access to the said infant on ——," and, if necessary, the order might be varied in such terms.

4.—Husband and Wife—*Husband divorces wife on grounds of adultery—Wife applies to have maintenance order discharged—Can court make fresh order giving her custody of child?*

In 1947 Mrs. X applied for and obtained a maintenance order against her husband, and he was ordered to pay a weekly sum in respect of herself and a weekly sum in respect of the only child of whom she was given custody. She committed adultery with a Mr. B and as a consequence of that adultery the husband

obtained a divorce. Mrs. X, realizing that there would be difficulty in enforcing the maintenance order of 1947 and having married the man with whom she committed adultery, applied to the magistrates' court at D for a revocation of that order and asked that court to make a new order giving her the custody of the child and something for its maintenance.

Mrs. X's ex-husband did not attend the hearing at the magistrates' court at D and that court revoked the order of 1947 and made a further order for the legal custody of the child while under the age of 16 to be continued with Mrs. X, and ordered that the ex-husband should pay 10*s.* per week for the child's maintenance. In the divorce proceedings no order was made with regard to the custody of the child.

It has been suggested that the magistrates' court at D had no power to make a new order for the custody of the child and 10*s.* per week for its maintenance, as Mrs. X and the child's father are no longer husband and wife. Is this contention correct ?

FERENS.

Answer.

This is a point which has never been authoritatively decided. At first sight, it would appear that the woman is obtaining an order against a man to whom she is no longer married. On the other hand, there was an order already in existence, giving her custody of the child, and that order has been continued by virtue of the power given by s. 2 (1) of the Summary Jurisdiction (Separation and Maintenance) Act, 1925. We think it could be argued that the terms " husband " and " wife " in that section are merely descriptive of the parties and not terms defining their status. If this view be correct, we think that the court was entitled to make the fresh order.

5.—Magistrates—*Jurisdiction and powers—Appearance of defendant by solicitor in summary case in answer to summons—No power to compel personal appearance.*

Can the magistrates adjourn a case for the purpose of requiring the accused's attendance notwithstanding the fact that he is represented by a solicitor in accordance with s. 99, the Magistrates' Courts Act, 1952 ? The case in question is careless driving and the purpose of wishing to adjourn is to enable the magistrates to judge whether or not a driving test should be ordered. The wording of s. 99 is peculiarly expressed. Whilst deeming the accused not to be absent it does not deem him to be present. Does the section restrict their general right to require the attendance of the accused ?

MANTO.

Answer.

The cases of *R.* v. *Thompson* (1909) 73 J.P. 403 and *R.* v. *Montgomery and Others, ex parte Long* (1910) 74 J.P. 110, are in point. There is no power to compel the defendant's personal appearance. Section 99 is, of course, a consolidation of the law previously expressed in ss. 12 and 13 of the Summary Jurisdiction Act, 1848, and in our view if a party is deemed not to be absent he must be treated as being present.

6.—Police—*Arrest—Alleged offender refusing to give name and address—No power to arrest—Authority to detain him until name and address given ?*

This is further to P.P. 11 at 121 J.P.N. 506. I am in agreement with your views as expressed there. However, regarding the powers of police on failure to give name and address, I appreciate that there is no power of arrest on failure to give name and address for a summary offence, *e.g.*, using indecent language (byelaw offence and not the Town Police Clauses Act, 1847), unless the power is given in the Act. However, I cannot believe that Parliament would encourage the knowledgeable law breaker to escape punishment by refusing to give his name and address and walking away. I am of the opinion that a police officer would be entitled to keep such person at the scene until he gave his name and address and this could not be interpreted as an arrest. My reason for this assumption is that the person who has committed the offence can leave the moment he gives his name and address but when arrest is effected there is no condition attaching.

JOWPA I.

Answer.

We do not agree with our correspondent's argument. If the " offender " seeks to walk away the officer cannot detain him without using force and it would be difficult to argue that this was not an arrest. Moreover, if the offender continues to refuse his name and address he can, on our correspondent's argument, be " detained " indefinitely. We agree that the position is unsatisfactory, but the legislature must be taken to have been aware of the difficulty and to have accepted its consequences.

7.—Road Traffic Acts—*Disqualification—Upheld on appeal to quarter sessions—Subsequent application for removal.*

When a person, who has been convicted at petty sessions for an offence under the Road Traffic Acts and disqualified for holding a driving licence, appeals to quarter sessions where the order is affirmed wishes to apply for the removal of the suspension after six months, should the application be made to petty sessions or quarter sessions as the " convicting court " ?

KALINA.

Answer.

Having regard to the latter part of s. 86 of the Magistrates' Courts Act, 1952, " and the decision of the court of quarter sessions shall have effect as if it had been made by the magistrates' court against whose decision the appeal is brought," we think that there is no doubt that the application should be made to the magistrates' court.

8.—Road Traffic Acts—*Taking and driving away—Power of arrest when person found committing.*

Concerning a statutory power of arrest. In s. 28, Road Traffic Act, 1930, a police officer has power to arrest without warrant any person reasonably suspected of having committed or of attempting to commit an offence under the section. Nothing is mentioned regarding the offence when found committing. It is argued that . . . reasonably suspected of having committed . . . would cover this and is meant to be interpreted as such. However, I am of the opinion that no express power is given by this section to arrest when found committing but the power is at common law for reasonably suspecting the felony. Further, I am inclined to the view that the felony should be charged under such circumstances.

JOWPA II.

Answer.

We have no doubt that the wider power given by s. 28 (3) to arrest any person reasonably suspected of having committed the offence clearly includes the power to arrest a person found committing the offence.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*).

CITY OF SHEFFIELD

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time female Probation Officer.

Applicants must be not less than 23 nor more than 40 years of age, except in the case of a serving Probation Officer.

The appointment will be subject to the Probation Rules, 1949–57 and the salary will be according to the scale prescribed by these Rules.

The successful applicant will be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of three recent testimonials, should be addressed to me to arrive not later than Tuesday, December 31, 1957.

JOHN W. OWEN,
Secretary to the
Probation Committee.

The Court House,
Sheffield, 3.

CITY OF SHEFFIELD

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the appointment of a full-time male Probation Officer.

Applicants must be not less than 23 nor more than 40 years of age, except in the case of a serving Probation Officer.

The appointment will be subject to the Probation Rules, 1949–57 and the salary will be according to the scale prescribed by these Rules.

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JOHN W. OWEN,
Secretary to the
Probation Committee.

The Court House,
Sheffield, 3.

EAST BARNET URBAN DISTRICT COUNCIL

Appointment of Deputy Clerk of the Council

APPLICATIONS are invited for the above appointment from Solicitors with Local Government experience. Salary scale B (£1,240 × £55—£1,405 per annum). The conditions of service recommended by the Joint Negotiating Committee for Chief Officers will apply to the appointment.

Particulars of the appointment may be obtained from the undersigned, to whom applications should be sent, to be received not later than first post on December 27, 1957.

SYDNEY ASTIN,
Clerk of the Council.

Town Hall,
Station Road,
New Barnet,
Herts.

CITY OF PORTSMOUTH

APPLICATIONS are invited from those qualified in accordance with Section 20 of the Justices of the Peace Act, 1949, for the appointment of Clerk to the Justices for the City of Portsmouth.

The population of the City is about 240,000 and the salary payable will be within the appropriate scale applicable to Justices' Clerks.

The post is superannuable and subject to a medical examination.

Candidates should have extensive experience in all the duties of a Justices' Clerk, including the work of a Licensing Planning Committee.

Applications, endorsed "Justices' Clerk" and stating age, qualifications and experience, together with copies of two recent testimonials, must reach the undersigned not later than December 31 next.

F. W. ANDREWS,
Clerk to the
Magistrates' Courts Committee.

17 and 18 Western Parade,
Portsmouth.

BOROUGH OF NEWARK-ON-TRENT

Assistant Solicitor

APPLICATIONS invited for above superannuable appointment within salary range £800—£1,120. House available.

Application, stating age, experience, present salary and names of two referees, to undersigned by December 20.

J. H. M. GREAVES,
Town Clerk and
Clerk of the Peace.

Municipal Buildings,
Newark-on-Trent.
December 3, 1957.

DURHAM COUNTY MAGISTRATES' COURTS COMMITTEE

APPLICATIONS are invited for the appointment of a whole-time Second Assistant in the office of the Clerk to the Hartlepool and Castle Eden Justices on the Senior Clerks' Division Grade "A" scale of salaries (£635—£725). The post is superannuable and subject to medical examination. Applications, stating age, education, qualifications and experience, together with the names of two referees, must reach the undersigned not later than December 21, 1957.

J. K. HOPE,
Clerk to the Committee.

Shire Hall,
Durham.

BOROUGH OF ERITH

Conveyancing Clerk

APPLICATIONS are invited for this appointment on Grade A.P.T. II—£725—£845 plus £30 London Weighting, to undertake conveyancing, preparation of contracts, and other legal work. Applications, with particulars of age, education and experience, and names of two referees, should reach the undersigned by January 4, 1958.

J. A. CROMPTON.

Town Hall,
Erith, Kent.

EAST SUSSEX MAGISTRATES' COURTS COMMITTEE

FIRST Assistant required for the Justices' Clerk, Haywards Heath P.S.D. Thorough knowledge of magisterial work (including accounts and issue of process) and ability to act as Court Clerk essential. Salary within Grade C scale. Write, stating age, experience, present grade, education and two referees, to the Clerk of the above Committee, County Hall, Lewes, by December 31.

URBAN DISTRICT COUNCIL OF WELLINGBOROUGH

Legal Assistant

APPLICATIONS are invited for the appointment of Legal Assistant in the Clerk's Department, at a salary in accordance with Grade A.P.T. II (£725—£845).

Applications, stating age, qualifications and experience, together with the names of two referees, should reach me not later than December 23, 1957.

W. G. PALMER,
Clerk of the Council.

Council Offices,
Swanspool,
Wellingborough.
November 26, 1957.

BOROUGH OF MAIDSTONE

Appointment of Deputy Town Clerk and Deputy Clerk of the Peace

APPLICATIONS are invited from Solicitors with local government experience. Salary £1,250 × £50—£1,450.

For particulars apply to the undersigned.

Housing accommodation probably available.

Applications, stating names and addresses of three referees, must be received by December 31.

GRAHAM WILSON,
Town Clerk.

13, Tonbridge Road, Maidstone.

BOROUGH OF ABERYSTWYTH

Appointment of Town Clerk

APPLICATIONS are invited for the appointment of Town Clerk at a salary in the range between £1,235—£1,460 per annum, the commencing salary to be determined by the qualifications and experience of the successful candidate. The appointment is subject to the Conditions of Service of the Joint Negotiating Committee for Town Clerks and District Council Clerks.

Housing accommodation will be provided if required.

Further particulars and Conditions of Appointment may be obtained from me.

Applications to be received on, or before, first post on Friday, January 10, 1958.

W. PHILIP DAVIES,
Town Clerk.

Town Hall,
Aberystwyth.